IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.593 OF 2003

Dastgir Pappa Pathan & Ors. ...Appellants
Vs.
Vasant Ganpati Satpute & Ors. ...Respondents

Shri R.V. More for the Appellants.
Shri Abhay D. Thorat for the Respondent Nos.3 to 8.

CORAM : A. S. OKA, J.
DATE : AUGUST 01, 2006.

P.C.:

1. Heard the Advocates appearing for the parties.

The Second Appeal is admitted on following substantial

questions of law:

(i) Whether the Appellate Court committed an error by holding that the Appellants have not averred and proved readiness and willingness to perform their part of the contract in as much as there were averments in the plaint as required by section 16(c) of the Specific Relief Act, 1963?

(ii) Whether the Appellate Court ought to have held that readiness and willingness was proved by the Appellants especially when out of agreed consideration of Rs.04,000/- a sum of

Rs.03,000/- was paid by the Appellants before filing of the suit?

(iii) Whether the finding of the Appellate Court on the issue of legal necessity is perverse in as much as the same is completely contrary to the evidence on record?

2. Printing is dispensed with. The Appellants are directed to file a private paper-book alongwith sufficient number of copies thereof within a period of one year from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the court.

JUDGE